

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 8, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Craig Doolittle, County Sheriff; Tara Mastel, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Celia Wolny, Michelle LeTexier

CALENDAR REVIEW

8/09 Paint the State awards - Capitol Rotunda - 11 a.m.
Jefferson River Watershed - 7 p.m.
8/10 Elkhorn Working Group - 3 p.m.
Library Board - Boulder - 6:30 p.m.
8/14 - 8/15 Headwaters retreat
8/15 Meeting with Saddle Mountain 1, 2, and 3 regarding RID - Jackson Creek Saloon
- 7 p.m.

COMMISSION REPORTS

HEADWATERS OPEN HOUSE

Commissioner Lythgoe reported that he attended a luncheon at the Elkhorn Café on Monday to meet with a new Headwaters staff person. Unfortunately, this person was not in attendance.

MONTANA CITY ROUNDABOUT

Commissioner Lythgoe reported that earlier that day he met with MDT and business owners on the intersection of Jackson Creek Road and 282. They are still trying to find a consensus for sign design.

BOULDER GOLDEN TRIANGLE

Commissioner Weber reported that the previous week he attended a name change ceremony at the Boulder Golden Triangle office, which is now called the Center for Mental Health.

METAL MINES COMMITTEE

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Commissioner Weber reported that the metal mines grant committee met on Friday to review the grant applications.

CORRESPONDENCE

Commissioner Lythgoe stated that tax protests have been received from four companies, PacifiCorp, Puget Sound Energy, Qwest Corporation, and Northwestern Corporation, totaling \$213,459. This will not present a significant impact to our budget.

Commissioner Lythgoe stated that he received an e-mail from Mike McMahon, president of the Lime Kiln RID. Commissioner Lythgoe stated that he was in contact with Mike weeks ago to determine if Lime Kiln RID wanted to be a part of the South Hills RID, but he'd received no response until now, and now it is too late.

Commissioner Weber read a draft letter to Duane Harp regarding the road blockages and closures. He stated that he will give the letter to Matt for his approval. Commissioner Lythgoe stated that he agrees with everything in the letter and feels that it is very appropriate. Commissioner Notbohm stated that he also agrees with the letter and feels that it is very well written.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS SPEED ZONE STUDY FOR 282 FROM JACKSON CREEK ROAD SOUTH TO THE I-15 CLANCY INTERCHANGE

Commissioner Lythgoe stated that MDT has conducted a speed zone study on Highway 282 south of Jackson Creek Road and has come back with a recommendation for no change. They did an accident study which showed a decrease in accidents since the speed was reduced to 60 mph as a result of the last study. Commissioner Notbohm noted that after leaving the Clancy intersection the speed is 45 mph for several miles. The road north has more traffic and access points, which should be taken into consideration. Commissioner Lythgoe stated that this is the second speed study they have done in a five-year period, which is unusual. The Commission could request MDT to lower the speed to 55 mph, but he doesn't think he would do any good. Commissioner Notbohm stated that the area south of Clancy is just as congested as North, with the need to pull over to allow for bikers and walkers as there is no shoulder. They are seeing more and more traffic with continued growth. Commissioner Lythgoe stated that the Commission can request MDT come out to talk with them if we want to try for a lower speed limit. Commissioner Notbohm stated that he would like to try. Harold stated that one thing he has noticed is an increase in bike and pedestrian traffic on Saturdays. Commissioner Weber moved to ask for 55 mph speed limit. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON CONTRACT WITH LARRY SWANSON TO DO AN ANALYSIS OF THE ECONOMIC POTENTIAL OF JEFFERSON COUNTY

Commissioner Weber stated that the JLDC is asking for \$3000 plus travel to pay Larry Swanson to do an analysis on Jefferson County. Commissioner Notbohm ask what we would get for

\$3000. Commissioner Lythgoe stated that he talk to them yesterday to see if the \$3000 figure was still valid. Larry will be asked put together a report for the JLDC, a report and a PowerPoint presentation for the JLDC annual meeting which will include a general talk, and then a more specific meeting with the JLDC and Commission. Larry is open to input of what he should concentrate on. Commissioner Lythgoe stated that he thinks it is important that Larry knows that Jefferson County is a bedroom community to Helena, Bozeman, and Butte and that one reason that Jefferson County is successful at all is our natural resources. We have no infrastructure, and we want a realistic look, not a wish list. Commissioner Weber stated that he has spent some time looking at Larry's past studies, and asked if the Jefferson County study will be a Larry's web site also. Commissioner Lythgoe stated that this will be public information. Commissioner Notbohm noted that there has been quite a bit of study on the county already, but anything new is a plus. He wants this to be realistic. Commissioner Lythgoe stated that he thinks that with the direction the Commission has decided to go, in regards to mining, the Forest Service and permitting, that this is a very worthwhile thing to consider. We recognize where the money is and also recognize where some things need to change it Jefferson County is to participate in the wealth.

Commissioner Weber moved to enter into a contract with Larry Swanson to do an analysis of economic development in Jefferson County, to provide a report, a PowerPoint presentation, and attendance at two meetings, and to increase the economic development budget by \$3000 plus travel, with the money coming from metal mines. Commissioner Notbohm seconded. Celia Wolny stated that she feels this is a good idea. However, she would like to say from what she heard, putting stipulations on what Larry is look for, she would remind the Commission that he is the expert and a fine things that the Commission never even thought of. They need to be open to whatever he finds. Commissioner Lythgoe stated that this is the intention of the Commission, not limiting him. He hopes that Larry comes up with some really innovative things, they just want Tara to make Larry aware of certain characteristics of the county. The motion carried.

AMEND COUNTY ROADS STANDARDS TO INCLUDE THE MONTANAN GUIDE TO MAILBOX SAFETY AND PLACEMENT

Commissioner Lythgoe stated that this is a housekeeping issue. *The Montana Guide to Mailbox Safety and Placement* needs to be incorporated into the road standards, and by extension, the subdivision regulations. Commissioner Lythgoe move to adopt the standards as part of the road standards. Commissioner Notbohm seconded. The motion carried.

APPOINT BOARD MEMBERS

Commissioner Lythgoe stated that Lori Young has submitted an application to serve on the Planning Board. He has interviewed her, and would move that she be appointed to the Planning Board. Commissioner Weber seconded. The motion carried.

Commissioner Weber stated that there is currently a vacancy on the library board, after a new appointee resigned. After the meeting with Darlene Staffeldt of the State Library, they have found that it is permissible to sit a Commissioner as a voting member and he would recommend himself. Commissioner Lythgoe moved to appoint Commissioner Weber to the Library Board as a voting member. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber stated that Glenna Waltee has submitted a letter of resignation from the Library Board effective August 11. However, he currently has three applicants for the Library Board who will be interviewed.

RESOLUTION 24-2006 RESOLUTION OF INTENT TO AMEND SUBDIVISION REGULATIONS

Commissioner Weber read the resolution as follows:

RESOLUTION 24-2006

RESOLUTION OF INTENT TO AMEND SUBDIVISION REGULATION 8.1.9.1.9

WHEREAS, the Legislature enacted Title 76, Part 5, Chapter 3, which mandates that the governing body of every county shall adopt and provide for the enforcement and administration of subdivision regulations; and

WHEREAS, Jefferson County has a current set of Subdivision Regulations that are used for proposed county subdivisions; and

WHEREAS, the current regulation 8.1.9.1.9 has been problematic for the planning board, County Commissioners, and citizens of Jefferson County due to overly stringent requirements of this regulation that have forced a large number of landowners intending to subdivide to seek a variance for proposed subdivisions due to the topography of Jefferson County that prevents more than one ingress and egress route; and

WHEREAS, it is the desire of Jefferson County to provide an alternative option to potential subdividers to discuss a preliminary proposed plan and seek a variance on 8.1.9.1.9 prior to submitting a preliminary plat where ingress and egress is an issue;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Title 76, Part 5, Chapter 3, the Jefferson County Commission hereby creates this Resolution of Intent to amend Jefferson County Subdivision Regulation 8.1.9.1.9 to read as follows:

“Each subdivision shall provide at least two different ingress-egress routes. If for some reason two different ingress-egress routes are not attainable, the developer will submit a written request for a variance to the governing body prior to Preliminary Plat approval. The request must contain a proposed plan of the subdivision. A variance request approval does not constitute a Preliminary Plat approval for the subdivision.”

This resolution shall be discussed and deliberated on the 29th day of August, 2006 at 2:00 p.m. at the Courthouse in Boulder, Montana in the District Courtroom.

DATED this 8th day of August, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. Commissioner Notbohm asked if everyone who will be dealing with this, such as planning board members and Ben, have had sufficient opportunity to comment on this. Commissioner Lythgoe stated that the Planning Board has discuss this. Harold stated that the Planning Board will also have an opportunity the following night to discuss this. There is a small language change, otherwise they are aware. The motion carried.

RESOLUTION 25-2006 RESOLUTION OF INTENT TO DISTRIBUTE HARD ROCK MINE TRUST RESERVE ACCOUNT FUNDS

The following resolution was presented for approval:

RESOLUTION 25-2006

RESOLUTION OF INTENT TO DISTRIBUTE HARD ROCK MINE TRUST RESERVE ACCOUNT FUNDS

WHEREAS, Jefferson County, pursuant to Section 7-6-2225, MCA, established a County Hard Rock Mine Trust Reserve Account for money received from the mining activities of Montana Tunnels Mines, Inc.; and

WHEREAS, the number of persons employed full time in mining activities by the mining operation is less than one-half of the average number of persons employed full time in mining activities by the mining operation during the immediately proceeding five year period;
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and

WHEREAS, Montana Tunnels Mines, Inc. Has informed Jefferson County that their mining operations in Jefferson County will cease; and

WHEREAS, the occurrence of such events and circumstances require the County Commissioners to allocate at least one-third of the funds held in the County Hard-Rick Mine Trust Reserve Account proportionally to the affected high school district and elementary school district in the County and allowing the retention of the remaining funds in the account for use by the County for purposes established by law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County, Montana, as follows:

1. That the Jefferson County school districts are Clancy Elementary and Boulder High School.
2. That the County Treasurer shall establish a separate fund for the money allocated to the affected school districts where the money shall be held until the Board of County Commissioners determines the proportionate distribution of such fund to the respective school districts.
3. Upon receiving notice of the proportionate distribution the County Treasurer shall distribute such funds, together with accrued interest, if any, in the proportions established by the Board of County Commissioners.
4. That the remaining funds related to the Montana Tunnels Mine in the County Hard Rock Mine Trust Reserve Account are hereby allocated to Jefferson County to be used by the County Commissioners for the purpose provided by law due to the reduction in the work force § 7-6-2225, MCA.
5. Any money received after this date is treated as pending mine closure revenue.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS this 8th day of August, 2006.

DATED this 8th day of August, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe stated that he had received letters of request from the high school and had also spoken with Clancy Elementary. He feels that it is not a good idea to release these funds early; he doesn't want to give an indication that the Commission is not confident that Tunnels is going to be okay. The schools had agreed that they don't need the money. However, he has recently received letters from the high school and MTAG requesting the release of funds. With the mine reopening, it is a good time to release these funds. Commissioner Lythgoe read the letter from MTAG, (on file in the Clerk and Recorder's office). He stated that once the release of funds has been enacted, and the mine reopens, the fund will start all over again.

Jan Anderson asked if at the time the high school made the request they were aware that the mine was going to reopen. Commissioner Lythgoe stated that they were not. Jan ask if anyone has called to inquire if they still want the money released.

Celia Wolny asked in regards to the County's portion of the money, if the county asked for input before spending the money. Commissioner Lythgoe stated that both the JLDC and MTAG requests asked that the money be used in specific ways, such as retiring county debt and economic development in the County. They have no specific plans at this time. Commissioner Weber stated that they have also received a request from the planner to purchase a vehicle for his department. Harold stated that he made the request for a vehicle from the standpoint that there are two planners, and if both are out in the field one will be using a personal vehicle. On the other hand, he doesn't feel that the money should be released at this time. The mine is opening again, and it is best to keep this money for the future.

Commissioner Notbohm stated in that regard, he heard from the school recently that they do need the money at this time. Commissioner Lythgoe stated that he talked to the Superintendent of the affected schools, and he didn't feel the need to release the monies. Commissioner Notbohm stated that the feeling is that the Commission is required to release the funds if there is a request.

Commissioner Weber stated that the statute reads "shall release", so he would think that they would need to release the funds if there is a request from the schools. Commissioner Notbohm stated that he would be interested to find out. He would like to run this past Bonnie for input on use of the funds. Commissioner Lythgoe stated that there is not a lot of discretion on how to use these funds as they have a very specific use. Paying off the central shop is a major focus for Bonnie.

Michelle LeTexier a read a letter from the Basin School Board (on file in the clerk and recorder's office). She stated that the Basin School has lost 20% of their students with the closure of the mine.

Marilyn McCauley, a Fair Board member, stated that the Fair Board would like to request metal

mines money for the Fairgrounds Recreation Park for continued improvement to the grounds. She is also speaking on behalf of the Boulder River Carousel. They would like to erect a building over the carousel which would provide economic development, as they would be able to use the carousel year-round. She wanted to make the Commission aware that the Fair Board and Carousel Committee will be interested in applying for funds when they are available.

Commissioner Weber moved to adopt a resolution. Commissioner Lythgoe seconded and stated that they will need to ask Matt if the Commission has to release the funds if the request is made. The motion carried.

APPROVE ROCKIN' THE RIVERS LARGE GROUP FUNCTION APPLICATION

Craig Doolittle, County Sheriff, stated that the application had been presented to him more than a month ago, basically complete. All of the sign offs are in place. Mr. Weber moves to approve the application. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

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